IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2781 of 2007.

Jayshri Vishnu Swami & (2) Ors ..Applicants.

Vs.

The State of Maharashtra ..Respondent.

Mr Karim Shaikh, Advocate for the applicants.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.
DATED: 3rd September,2007.

P.C.:-

1. Heard learned counsel for the applicants and learned APP for the State.

2. Perused application and the material available on record.

3. The applicants are seeking bail in C.R. No.I-32/2007 registered with Ganeshpuri Police Station, Taluka Bhiwandi, District Thane for the offence punishable under Sections 326, 325, 504, 506 read with Section 34 of the I.P.C.

4. So far as the F.I.R. is concerned, it only implicates the accused no.2 (present applicant No.2 Vishnu Narayan Swami) who had assaulted on the head of the complainant with stick. It is also alleged that the applicant

no.2 also had assaulted on right rib of the complainant which, ultimately, resulted in fracture of 8th left rib of the complainant.

5. So far as the other applicants are concerned, there is no overt act attributed against them. In these circumstances, I am not inclined to grant bail to the applicant accused no.2 Vishnu. His application for bail is, thus, rejected.

6. In the above view of the matter, the other applicants Nos.1, 3 and 4, (i.e.Jayashri Vishnu Swami, Kailash Vishnu Swami and Nilesh Vishnu Swami) are entitled for bail on following terms and conditions:-

a] the applicants Nos.1,3 and 4, (i.e.Jayashri Vishnu Swami, Kailash Vishnu Swami and Nilesh Vishnu Swami) be released on bail in the sum of Rs. 25,000/-each with one or two sureties each in the like amount.

b] the applicants shall report Ganeshpuri Police Station,Taluka Bhiwandi, District Thane, once in a week

i.e. on Friday between 3.00 to 5.00 p.m. till conclusion of the trial.

c] the applicants shall not pressurise prosecution witnesses and that they shall co-operate the Investigating agency.

d] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

7. The application is disposed of in the above terms.

(V.C. DAGA,J.)